

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC WAYNE LOMAX,)	
)	
Plaintiff,)	Case No. 1:10-cv-218-SJM-SPB
)	
v.)	
)	
ERIE POLICE CHIEF, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on September 2, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 15, 2011 [17], recommends that the motion to dismiss filed by Defendants Erie Police Chief, Officer Dacus, and City of Erie Police Department [9] be granted. It further recommends, pursuant to the authority granted to courts by the Prison Litigation Reform Act, that Plaintiff's claims against Defendant "Officer Donald D." be dismissed as untimely. Service was made upon the Plaintiff by certified mail and upon Defendants via electronic filing. Plaintiff filed his objections [19] to the Report and Recommendation on August 1, 2011.

After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4th Day of August, 2011;

IT IS ORDERED that the motion to dismiss filed by Defendants Erie Police Chief, Officer Dacus, and City of Erie Police Department [9] shall be, and hereby is, GRANTED and all claims against said Defendants are hereby DISMISSED. IT IS FURTHER ORDERED that, pursuant to the authority granted to courts by the Prison Litigation Reform Act, Plaintiff's claims against Defendant "Officer Donald D." shall be, and hereby are, DISMISSED as untimely. IT IS FURTHER ORDERED that, all claims against the Defendants having been dismissed, the Plaintiff's motion for appointment of counsel [20] shall be, and hereby is, DENIED as moot and this case shall be marked "CLOSED."

The Report and Recommendation of Magistrate Judge Baxter, filed on July 15, 2011 [17], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter